

## *St. Louis City Ordinance 63356*

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 279

INTRODUCED BY ALDERMAN JOSEPH RODDY

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in the 20 foot wide east/west, 20 foot wide north/south and 15 foot wide east/west alleys in City Block 3968-N bounded by Newstead, Clayton, vacated Edmund, and I-64 in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land in block 1 of the subdivision of Brigg's Estate, and in block no. 3968-N of the City of St. Louis, and said tract being more particularly described as follows:

Beginning at the point of intersection of the northerly line of an east/west alley, 20 feet wide, with the westerly line of Edmund Avenue, 60 feet wide, as vacated by Ordinance No. 57375, said point being also the southeasterly corner of lot 1 in said block 1; thence along the westerly line of said vacated Edmund Ave. south 14 degrees 49 minutes 18 seconds west 20.57 feet to the southerly line of said alley, thence along said southerly line north 88 degrees 40 minutes 27 seconds west 161.91 feet to the easterly line of a north/south alley, 20 feet wide; thence along said easterly line south 14 degrees 49 minutes 39 seconds west 321.77 feet to the southerly line of an east/west alley, approximately 15 feet wide, and said southerly line being also the northerly line of Dean's Addition to McRee City; thence along said southerly line north 74 degrees 48 minutes 38 seconds west 176.83 feet to the easterly line of South Newstead Avenue, 60 feet wide; thence along said easterly line north 14 degrees 49 minutes 39 seconds east 15.17 feet, more or less, to the northerly line of said east/west alley; thence along said northerly line south 74 degrees 48 minutes 09 seconds east 156.83 feet to the westerly line of said north/south alley; thence along said westerly line north 14 degrees 49 minutes 39 seconds east 301.96 feet to a point on the southerly line of said first-described east/west alley, said

point being also the northeasterly corner of lot 7 in said block 1; thence along said southerly line north 88 degrees 40 minutes 27 seconds west 161.28 feet to the easterly line of said South Newstead Avenue; thence along said easterly line north 14 degrees 49 minutes 39 seconds east 20.57 feet to the northerly line of said first-described east/west alley; thence along said northerly line south 88 degrees 40 minutes 27 seconds east 343.76 feet to the point of beginning, and containing 15,597 square feet, more or less, according to survey no. 114800 and 131652 executed by James Engineering & Surveying Co., Inc., in August, 1994. Bearings based on astronomic observations.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioned by Washington University Medical Center, Forest West Prop., and Roy and Lillie Houlihan. Vacation will allow for consolidation of property for land assemblage purposes in cooperation with all parties.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alleys provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance 365 days (one year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>11/28/94</b>	<b>11/28/94</b>	<b>STR</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>12/16/94</b>			<b>01/06/95</b>	<b>01/13/95</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>63356</b>				